

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESS TO THE COMMISSIONER FOR TRADEMARKS, 2900CRYSTAL DRIVE, ARLINGTON, VA 22202-3513 ON THE DATE INDICATED BELOW

By: *Signatures*

DATE: 4-4-03



04-11-2003

U.S. Patent & TMO/TM Mail RptDt. #74

BOX TTAB - NO FEE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re : Trademark Application of Denver Mattress Co., LLC**

**Serial No. : 78/118,666**

**Filed : April 1, 2002**

**Mark : SUMMIT**

Docket No. 897685

**REQUEST UNDER RULE 2.102 TO EXTEND  
TIME FOR FILING NOTICE OF OPPOSITION  
WITH CONSENT**

Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Commissioner:

In the matter of the above-identified application which was published in the Official Gazette of October 8, 2002, on page TM 505, Summit Mattress Company requests that the time for filing a Notice of Opposition to the above application be extended for a further period of fourteen (14) days, up to and including **APRIL 20, 2003**. Summit Mattress Company previously filed a request to extend time to oppose up to and including April 6, 2003, which the Board granted by letter of March 24, 2003.

The extension of time is sought in good faith, for good cause and not for any improper purpose of delay. The Board has asked for a detailed explanation reciting the progress the parties have made toward resolving the matter. The parties have made substantial progress toward resolving the matter. They have conducted their own respective investigations about the matter. They have exchanged information and material about their respective claimed uses of the term at issue. They recently proposed and are discussing a possible resolution of this matter that would avoid the filing of an Opposition proceeding. The extension of time will permit the parties to determine whether the proposal is acceptable to both parties, or whether it will be fruitful to continue their negotiations.

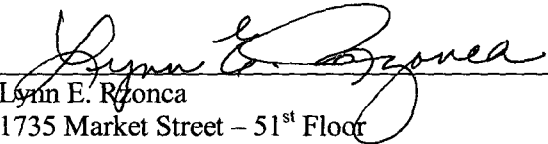
*[Handwritten signature]*

Applicant's attorney has consented by telephone to this Extension. This Request is submitted in triplicate.

Respectfully submitted,

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

Dated: April 4, 2003


By:   
Lynn E. Rzonca  
1735 Market Street - 51<sup>st</sup> Floor  
Philadelphia, PA 19103-7599  
(215)864-8109 / (215)665-8500

ATTORNEY FOR POTENTIAL OPPOSER

### Certificate of Service

I, Lynn Rzonca, an attorney, hereby certify that a copy of the foregoing REQUEST UNDER RULE 2.102 TO EXTEND TIME FOR FILING NOTICE OF OPPOSITION WITH CONSENT was today served on the attorney for Applicant at the following address, via facsimile transmission and via U.S. first class mail service, postage prepaid:

Ian Saffer, Esquire  
Townsend and Townsend and Crew LLP  
1200 Seventeenth Street  
Suite 2700  
Denver, CO 80202.

  
Lynn Rzonca

Dated: April 4, 2003